

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADREA, LLC, :

Plaintiff, :

-v- :

BARNES & NOBLE, INC., :
BARNESANDNOBLE.COM LLC, and NOOK :
MEDIA LLC, :

Defendants. :
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13 Civ. 4137 (JSR)

ORDER

7/28/14

JED S. RAKOFF, U.S.D.J.

In this case, Adrea, LLC sues Barnes & Noble, Inc., barnesandnoble.com llc, and Nook Media LLC (collectively, "B&N"), alleging that B&N's e-reader Nook infringes U.S. Patent Nos. 7,298,851 ("the '851 patent"), 7,299,501 ("the '501 patent"), and 7,620,703 ("the '703 patent"). On July 15, 2014, after a lengthy round of summary judgment motion practice, defendants applied to the Court to supplement its defenses and expert report on invalidity, amend its invalidity disclosures, and file an additional summary judgment motion on the ground that the '501 Patent is not patent-eligible in light of the recent Supreme Court decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, No. 13-298, 573 U.S. __ (2014). Plaintiff opposes, arguing that the Supreme Court's recent decision in no way changes the law. Without resolving this dispute, the Court will permit defendants the amendments and supplementation requested above, since, on plaintiff's own view of the law, it will not be unduly prejudiced thereby. However, given that the trial of this case is firmly scheduled for

October 6, 2014, plaintiff and the Court would be materially prejudiced by an additional round of summary judgment motion practice that would not in any event resolve every claim in this case. Accordingly, no further summary judgment motion will be allowed.

SO ORDERED.

Dated: New York, NY
July 28, 2014


JEB S. RAKOFF, U.S.D.J.